

### REMARKS

Claims 1-31 are pending, including independent Claims 1, 12, 21, 22 and 26, of which Claims 1-2 and 4-25 stand rejected, Claim 3 stands objected to, and Claims 26-31 stand allowed.

A Notice of Appeal was timely filed in respect of the subject application on November 23, 2004, in response to a Final Rejection that was issued by the USPTO on July 23, 2004. The instant paper ("the present RCE amendment") is the submission required with the Request for Continued Examination (RCE) of the subject application that corresponds to and accompanies this paper. The corresponding RCE effects withdrawal of the appeal of the final rejection of the subject application.

#### *Amendment*

Each of the independent claims that presently stand rejected, including Claims 1, 12, 21 and 22, is amended herein in a similar manner. Each of these claims is amended to clarify the meaning and operation of a "reverse link handoff" or "reverse link intergenerational hard handoff," as appropriate for the particular claim. It is respectfully submitted that the present claim amendments merely explicitly state the definitions that would be determined to be conveyed by a proper construction of the terms as set forth in the original claims. Therefore, it is submitted that the present claim amendments are not narrowing. It is understood that the Examiner does not agree that the claims, as previously presented, conveyed the meaning that is now explicitly stated. Therefore, the Examiner does not need to restate that point. Indeed, it is respectfully submitted that this difference of opinion about the meaning conveyed by the original language of the claims is responsible for the previous failure to achieve progress toward allowance of all of the claims. The present amendment should lay this difference to rest.

No new matter is added by the present amendment. Support for the amendments may be found throughout Applicants' specification. The following examples support aspects of the amendments. An intergenerational handoff is a handoff between base stations of different generations (p. 6 line 14 *et seq*). A "complete" handoff includes a forward link handoff and a reverse link handoff (p. 6 lines 27-29). Forward link and reverse link handoffs are distinct, having characteristics that are substantially independent of each other. For example, the forward link handoffs of a particular complete handoff (*e.g.*, an intergenerational handoff "IGHO," see p. 11, lines 8-16) may be "soft" or "hard", irrespective of the reverse link handoff being hard. Moreover, forward-link and reverse-link handoffs affect oppositely-directed signals, with forward-link handoffs controlling reception by a mobile station (MS) of signals from base stations, while reverse-link

handoffs control transmissions from an MS to base stations (BSs). In particular, reverse-link handoffs include terminating (severing) transmissions from an MS to a serving BS, and initiating transmissions from the MS to a target BS (see p. 18 lines 5-7).

*Previous Response to Final Rejection*

On October 5, 2004, Applicants filed a response to the previous final rejection that included detailed remarks traversing each of the grounds of rejections set forth by the Examiner. However, those remarks were based on Applicants' belief that the term "reverse link handoff" conveyed a meaning such as is now more explicitly recited in each of the amended claims.

As noted above, the Examiner did not agree that the term "reverse link handoff" conveyed the now-explicitly stated meaning, and consequently construed the term to be, in essence, any handoff involving the reverse link, rather than a handoff of the reverse link connection. For example, in an Advisory Action that was issued October 28, 2004, the Examiner states in part:

Czaja '726's handoff is initiated and assisted by a mobile station after measuring and comparing signal energy/strength between 2G base station (see FIG. 12, BS1, 122) and 3G base station (see FIG. 12, BS2, 123), see page 3, paragraph 41-48. Thus, it is clear that a handoff disclosed by Czaja '726 is "a reverse link handoff."

The passages of Czaja '726 indicated by the Examiner have nothing in particular to do with "a reverse link handoff" as that term is now explicitly defined in the amended claims, for example, as in presently amended Claim 1. As now required, a reverse link handoff "includes terminating transmissions from the mobile station to the serving base station and initiating transmission from the mobile station to the target base station." However, the Czaja '726 passages noted by the Examiner involve only transmissions from base stations to the mobile stations, and make no reference to transmissions from the mobile station to the base stations, let alone making reference to terminating transmissions to the serving base station and initiating transmissions to the target base station.

Furthermore, the passages pointed to by the Examiner all involve intergenerational SHOs (soft handoffs -- selection-based SHOs in par. 48, "true" SHOs elsewhere). But almost the only mention of reverse-link intergenerational handoffs in Czaja '726 makes clear that reverse-link SHOs are impossible, and that SHOs are only possible on the forward link (see Czaja '726, par. 30 p. 2).

For the reasons set forth above, it is clear that the passages identified by the Examiner in the Advisory Action cannot apply to reverse link handoffs, as defined in Claims 1-25 as presently amended. Thus, the grounds of rejection previously maintained by the Examiner should be withdrawn in view of the present amendments.

The teaching of Czaja '726 regards forward link handoffs. Czaja '726 provides motivation for treating forward link handoffs in a new way in order to gain the advantages of soft (forward-link only) handoffs. While reverse-link handoffs may comprise part of an intergenerational handoff, and are acknowledged in Czaja, Czaja does not suggest any new basis for initiating reverse-link handoffs, nor does Czaja provide any reason or motivation as to why a new basis for initiating specifically the reverse-link portions of handoffs, as distinct from forward-link portions of handoffs, might be needed. Only in Applicants' specification is there any recognition that a new basis for initiating reverse-link handoffs (as defined in Claims 1-25 as presently amended) is desirable.

Accordingly, even if Chheda provided a reasonable suggestion that Eb/Nt is a suitable new basis for making decisions regarding handoffs (which is a point that is not conceded by Applicants), Czaja, in any event, gives no indication that the basis for initiating reverse link handoffs should be changed. If the Eb/Nt teaching of Chheda were arguably applicable, and if it was combined with Czaja '726 by a skilled person, the reasonable way to combine the teachings would be to modify the subject that Czaja teaches should be modified, namely, the initiation of forward-link handoffs. No suggestion or motivation to modify the explicitly distinct reverse link handoffs (or reverse link handoff portions) is presented in Czaja '726.

Moreover, Frame Quality Metrics, as taught in Chheda, require the base station controller to receive the same frame (from an MS) via the two different BSs whose reception is to be compared. Yet, that is impossible with intergenerational reverse link handoffs, as noted in both Czaja '726 (par. 30) and in Applicants' specification.

In view of the present amendment, and of the remarks set forth in this paper and in the previous response to final, the Examiner is respectfully requested to withdraw all rejections based upon Czaja in combination with Chheda.

#### *Other Grounds of Rejection*

The remarks set forth in the previous response to final are of record. The Examiner is respectfully requested to reconsider each of those remarks, as needed, in view of the clarification provided by the present

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amendments. To avoid burdening the record with redundant remarks, it is noted that the present amendment and remarks, together with the previous response to final, constitute a complete response to each grounds of rejection set forth by the Examiner.

**Conclusion**

In view of the foregoing remarks and amendments, it is respectfully submitted that each claim, as presently pending in the subject application, is in condition for immediate allowance. As such, the Examiner is respectfully requested to withdraw each of his grounds for rejection, and to promptly issue a Notice of Allowance in respect of all pending claims.

The Commissioner is authorized to construe this paper as including a petition to extend the period for response by the number of months necessary to make this paper timely filed. Fees or deficiencies required to cause the response to be complete and timely filed may be charged, and any overpayments should be credited, to our Deposit Account No. **50-0490**.

Respectfully submitted,

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